

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S Hillendale Rd., 120 ft. * ZONING COMMISSIONER
S of c/l Orlando Road *
8005 Hillendale Road * OF BALTIMORE COUNTY
9th Election District *
6th Councilmanic * Case No. 92-116-A
Frank J. Antonelli, Jr. *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a building lot width of 50 ft. in lieu of the required 55 ft., for two lots, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioner/property owner, Frank J. Antonelli, Jr., appeared and testified. Appearing as interested parties were Earl and Evelyn Smith, who reside at 8004 Hillendale Road, immediately across the street from the subject property. There were no Protestants.

Mr. Antonelli testified that he purchased lots Nos. 776, 777, 778 and 779 in the subdivision known as Hillendale Park approximately 26 years ago. Each lot is 25 ft. in width. Lots 778 and 779 are improved by an existing dwelling known as 8005 Hillendale Road. Mr. Antonelli leases that property. The Petitioner proposes to construct a single family dwelling on lots 776 and 777. Those lots, when combined, contain a width of 50 ft.; thus the variance from the required 55 ft. is requested. Mr. Antonelli indicated that the lots were originally purchased by him many years ago with the intention of constructing a second dwelling indicated on Petitioner's Exhibit No. 1. He argued that if the variance was not

granted, those lots would be unbuildable and, therefore, practical difficulty and undue hardship would result. To address his neighbors concerns, he indicated that the proposed house to be constructed would be a single family dwelling and there would be off-street parking by way of a driveway or parking pad on the lot, so as not to contribute to parking problems in the area.

Mr. and Mrs. Smith appeared as interested parties. They did not oppose Mr. Antonelli's plans but were concerned as to what would be permitted on the lots. They indicated that parking in the area of Hillendale Road, immediately in front of the subject property, is currently not a problem, however, there is parking congestion nearby. They indicated that if the construction was limited to a single family dwelling with onsite parking, they would have no objections.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App.

28 (1974).

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It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of Oct., 1991 that a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a building lot width of 50 ft. in lieu of the required 55 ft., for two lots, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. That any construction on the subject site would be limited to a single family dwelling and that off-street parking, by way of the

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installation of a driveway or parking pad on the subject site must be provided.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LPS/mmm
cc: Peoples Counsel

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ORDER RECEIVED FOR FILING

ORDER RECEIVED FOR FILING

ORDER RECEIVED FOR FILING

ORDER RECEIVED FOR FILING

BEING known and designated as Lots Number Seven Hundred Seventy-six (776), Seven Hundred Seventy-seven (777), Seven Hundred Seventy-eight (778) and Seven Hundred Seventy-nine (779), as shown on the plat of the tract of land known as Hillendale Park, which plat is recorded among the Land Records of Baltimore County in Plat Book W.H.H. Number 9, folio 10.

92-116-A



Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a building lot width of 50 ft. in lieu of the required 55 ft. for a single lot.

The undersigned, legal owner(s) of the property situate in Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Bought lot and house over 20 years ago to house home of my own. I was disappointed with the outcome standing it could be done with no problem.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Frank J. Antonelli, Jr.
(Type or Print Name)

Signature

(Type or Print Name)

Signature

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Attorney for Petitioner:

(Type or Print Name)

Signature

(Type or Print Name)

Signature

City and State

Attorney's Telephone No.:

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address

City and State

Attorney's Telephone No.:

ORDER RECEIVED FOR FILING

Date

By

ESTIMATED LENGTH OF HEARING - 1/2HR. + 1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: DATE: 9/13

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 30, 1991

Mr. Frank J. Antonelli, Jr.
220 Stoney Ford Road
Baltimore, Maryland 21210

RE: Petition for Zoning Variance
Case No. 92-116-A

Dear Mr. Antonelli:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LPS:mmm
encl.
cc: Peoples Counsel
cc: Mr. and Mrs. Earl Smith

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/3, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/3, 1991.

THE JEFFERSONIAN,

S. Zeke Orman
Publisher

\$61.91

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case Number: 92-116-A
W/S Hillendale Road, 120 ft. S of c/l Orlando Road
8005 Hillendale Road
9th Election District
9th Councilmanic
Petitioner(s):
Frank J. Antonelli, Jr.
Hearing Date: Monday, October 28, 1991 at 2:00 p.m.
Variance to allow a building lot width of 50 ft. in lieu of the required 55 ft. for 2 lots.
LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
NET/10/016 October 5

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/3, 1991.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zeke Orman
Publisher

\$61.91

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LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
NET/10/016 October 5

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th
Posted for: 14/1/91
Petitioner: Frank J. Antonelli, Jr.
Location of property: W/S Hillendale Rd., 120 ft. S of c/l Orlando Rd.
8005 Hillendale Rd.
Location of Sign: 1st St. Hillendale Rd., across St. E. 2nd St.
Remarks: on property of Petitioner
Posted by: M. Schmitt
Number of Signs: 1

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

PERMITTING DIVISION

CAUTION: NO OPEN FLAMES OR SMOKING
EA 0011-33-000-13-91 \$35.00
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

92-116

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 10-8-91

COPY

Frank J. Antonelli, Jr.
220 Stoney Ford Road
Baltimore, Maryland 21210

RE:
CASE NUMBER: 92-116-A
450 Hillendale Road, 120' S of c/l Orlando Road
9005 Hillendale Road
9th Election District - 6th Councilmanic
Petitioner(s): Frank J. Antonelli, Jr.
HEARING: MONDAY, OCTOBER 28, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 86.91 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 115, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Lawrence E. Schmidt
Zoning Commissioner

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

SEPTEMBER 20, 1991

COPY

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 115, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-116-A
450 Hillendale Road, 120' S of c/l Orlando Road
9005 Hillendale Road
9th Election District - 6th Councilmanic
Petitioner(s): Frank J. Antonelli, Jr.
HEARING: MONDAY, OCTOBER 28, 1991 at 2:00 p.m.

Variance to allow a building lot width of 50 ft. in lieu of the required 55 ft. for 2 lots.

Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

cc: Frank J. Antonelli, Jr.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 15, 1991

Mr. Frank J. Antonelli, Jr.
220 Stoney Ford Road
Baltimore, MD 21210

RE: Item No. 125, Case No. 92-116-A
Petitioner: Frank J. Antonelli
Petition for Variance

Dear Mr. Antonelli:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: October 15, 1991
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 13th day of September, 1991.

Arnold Jablon
DIRECTOR

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Frank J. Antonelli
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: , 1991
Zoning Administration and Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Antonelli Property, Item No. 125

In reference to the petitioner's request, staff offers the following:

Due to a general lack of information, this office offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn
ITMNO125/TXTROZ

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

SEPTEMBER 23, 1991

Arnold Jablon
Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: FRANK J. ANTONELLI, JR.
Location: #8005 HILLENDALE ROAD
Item No.: 125 Zoning Agenda: SEPTEMBER 24, 1991

Centlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/REK



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	HARFORD PARK	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986		8-C